IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.11592 of 2008
RAJ NARAYAN YADAV
Versus
THE STATE OF BIHAR
---

02 06.05.2008 Heard both sides.

The petitioner is an accused in a case instituted under section 396 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is not named in the First Information Report. It has further been submitted that no recovery of any stolen article has been made from the conscious possession of the petitioner. Learned counsel for the petitioner further highlights that although he is in jail custody since 27.05.2007,he has not been put on Test Identification Parade. According to the learned counsel for the petitioner two bullocks are said to have been recovered from the *palani* of one Ganesh Yadav. In this connection learned counsel for petitioner referred to Annexure-2 (seizure list). From perusal of the said seizure list it appears that the alleged stolen bullocks were recovered from the palani belonging to one Ganesh Yadav and thereafter the signatures of the petitioner and independent witnesses were obtained there on .By filing a supplementary affidavit learned counsel for the petitioner submits that aforesaid co- accused namely Ganesh Rai @ Yadav has been granted bail by this court under order dated 16.4.08 passed in Cr. Misc. No.4647 of 2008.

I have perused the bail application as well as the impugned order. It appears that the prayer for bail of the petitioner was rejected by

WEB COPY NOT OFFICIAL

the learned Sessions Judge on account of the fact that certain bullocks are said to have been recovered from the palani of co-accused where petitioner was also present .

Having considered the submission and after going through the record, this Court is inclined to enlarge the petitioner on bail and accordingly, the petitioner is directed to be released on bail on furnishing bail bond of Rs 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of Additional District and Sessions Judge F.T.C.V, Siwan in connection with Session Trial No.19 of 2008, arising out of Darounda P.S.Case No.51 of 2007, subject to the condition that one of the bailers should be local and the petitioner shall appear before the Court below on the date(s) fixed in the case. In case of default on two consecutive dates the trial court would be at liberty to take appropriate steps to cancel the bail bond and secure arrest of the petitioner.

WEB COPY

Sym/ **(Kishore K. Mandal, J.)**

NOT OFFICIAL